

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on August 13, 2003.

I. DISPUTE

Whether there should be reimbursement for out-of-pocket expenses for prescription medicines for dates of service May 28, 2002 through May 23, 2003.

II. FINDINGS

Per Rule 133.307(d)(1) disputed dates of service May 28, 2002 through July 1, 2002 are outside the 365-day timeframe; Medical Dispute Resolution does not have jurisdiction over these dates of service and they cannot be reviewed. Therefore, the only date of service eligible for review is May 23, 2003.

III. RATIONALE

The insurance carrier representative has stated in their response to the TWCC-60 filed by the injured worker that a TWCC-21 was filed disputing the extent of the claimant's injury; the carrier representative did not submit a copy of the TWCC-21. A review of the Texas Workers' Compensation Commission (Commission) database and a request to the general files division of the Commission reveals a TWCC-21 has not been filed with the Commission; therefore, the review will be done according to the Commission Rules and the Fee Guideline.

Per §134.500(a)(2) A written statement and supporting documentation from the prescribing doctor to establish the need for treatments or services, or prescriptions, including the need for a brand name drug where applicable. The injured worker did not provide a written statement from the prescribing doctor; therefore, reimbursement is not recommended.

IV. DECISION

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor is not entitled to reimbursement for out-of-pocket expenses for prescription medicines.

The above Findings and Decision is hereby issued this 30th day of January 2004.

Marguerite Foster
Medical Dispute Resolution Officer
Medical Review Division
MF/mf